

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

STATE OF OKLAHOMA, ex rel. W.A. DREW)
EDMONDSON, in his capacity as ATTORNEY)
GENERAL OF THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT C. MILES TOLBERT, in his)
capacity as the TRUSTEE FOR NATURAL)
RESOURCES FOR THE STATE OF)
OKLAHOMA,)

Plaintiff,)

vs.)

TYSON FOODS, INC., TYSON POULTRY, INC.,)
TYSON CHICKEN, INC., COBB-VANTRESS,)
INC., CAL-MAINE FOODS, INC., CAL-MAINE)
FARMS, INC., CARGILL, INC., CARGILL)
TURKEY PRODUCTION, LLC, GEORGE'S, INC.,)
GEORGE'S FARMS, INC., PETERSON FARMS,)
INC., SIMMONS FOODS, INC., and WILLOW)
BROOK FOODS, INC.,)

Defendants.)

Case No. 05-CV-329-GKF-PJC

ORDER

Before the Court is the State of Oklahoma's Objection [Docket No. 1757] to a portion of Magistrate Judge Joyner's Opinion and Order docketed at No. 1756.

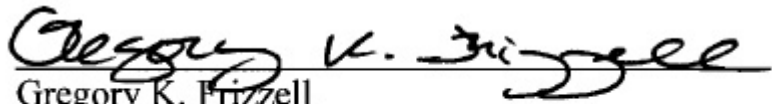
A district judge may reconsider a magistrate judge's order in a pretrial matter where it has been shown that the order is clearly erroneous or contrary to law. 28 U.S.C. § 636(b)(1)(A). *See also* Fed. R. Civ. Proc. 72(a) (on nondispositive matters "[t]he district judge to whom the case is assigned shall consider such objections and shall modify or set aside any portion of the magistrate judge's order found to be clearly erroneous or contrary to law."). "Under the clearly erroneous standard, the reviewing court [must] affirm unless it on the entire evidence is left with the definite and firm conviction that a mistake has been committed." *Allen v. Sybase, Inc.*, 468 F.3d 642, 658

(10th Cir. 2006) (internal quotations and citations omitted).

The Court has considered the State's objection and concludes it should be overruled. The State has not shown that the portion of the Magistrate Judge's Opinion and Order to which it objects is clearly erroneous or contrary to law. More specifically, the State has not shown that the Magistrate Judge committed a mistake when he granted the motion for additional time to produce expert reports. The Magistrate Judge granted the request as reasonable and necessary. His decision is supported by the record and the circumstances presented.

WHEREFORE, the State's Objection [Docket No. 1757] to Magistrate Judge Joyner's Opinion and Order is denied.

IT IS SO ORDERED this 2nd day of February 2009.


Gregory K. Frizzell
United States District Judge
Northern District of Oklahoma